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U.S. DISTRICT COURT

2005 L-223-7 P 3:31

RICHARD D. MILLET & ASSOCIATES LLC
204 EAST MAIN STREET
P.O. BOX 390
Somerville, NJ 08876-0390
(908) 595-1212

Attorneys for Defendant, Wal-Mart Stores, Inc..

GRACE AND JOHN ORLANDO,
HUSBAND AND WIFE,

: UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

:

Plaintiffs

: CIVIL ACTION NO.

05-1889(KSH)

:

CIVIL ACTION

:

vs.

WAL-MART STORE #2825, ET AL.

Defendants. : JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendant, Wal-Mart Stores, Inc., (hereinafter referred to as "Wal-Mart"), by and through its counsel, Richard D. Millet, Esq. of the firm Richard D. Millet & Associates LLC, hereby requests that this case be removed to the United States District Court for the District of New Jersey from the Superior Court of New Jersey, Law Division, Monmouth County, New Jersey and, in support thereof, avers as follows:

1. Plaintiff commenced this action on or about February 16, 2005, by filing a Complaint in the Superior Court of New Jersey, Law Division, Monmouth County, New Jersey, entitled Grace and John Orlando, husband and wife, v. Wal-Mart Store #2825, et al.,, under Docket Number Mon-L-780-05. A true and correct copy of the Complaint is attached hereto as Exhibit "A". As of this date, such documents constitute, to the best of defendant's knowledge, information and belief, all of the pleadings, process and other papers served upon Wal-Mart thus far in this action.

2. A copy of said Complaint, being the original process in this case was served upon defendant on or about March 20, 2005.

3. At the time the Complaint was filed, and at the time this Notice is being filed, Wal-Mart was and is a corporation organized and existing under and by virtue of the laws of the State of Delaware with its principal place of business located in Arkansas.

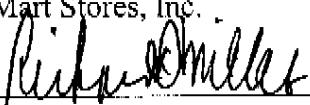
4. To the best of defendant's knowledge, information, and belief, plaintiffs, Grace and John Orlando are citizens and residents of the State of New Jersey and reside in the Borough of Kcansburg, N.J.

5. Diversity of citizenship exists between the plaintiffs, residents of the State of New Jersey, and the defendant, a corporation organized and existing under the laws of the State of Delaware with its principal place of business in the State of Arkansas. This said diversity of citizenship existed at the time the action sought to be removed was commenced, and continues to the time of the filing of this Notice. The sum in controversy, exclusive of interest and costs, is in excess of \$75,000. The Complaint alleges the plaintiff, Grace Orlando did "suffer and sustain severe disabling injuries and has been and will in the future be caused to obtain medical treatment and has been and will in the future be caused to lose time from work and has been and will in the future be caused to refrain from her normal pursuits." Therefore, as to the said claims and cause of action, jurisdiction is vested in this Court and the defendant is entitled to removal. 28 U.S.C. 1332 (a) and 1441.

6. This Notice of Removal is being filed within thirty (30) days after receipt by Wal-Mart, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. See 28 U.S.C. 1446(b).

WHEREFORE, defendant, Wal-Mart Stores, Inc., respectfully requests that this action be removed from the Superior Court of New Jersey, Law Division, Monmouth County, New Jersey to the United States District Court for the District of New Jersey.

RICHARD D. MILLET & ASSOCIATES LLC
Attorneys for Defendant,
Wal-Mart Stores, Inc.

Dated: April 6, 2005
By: 
RICHARD D. MILLET

RICHARD D. MILLET & ASSOCIATES LLC
204 EAST MAIN STREET
P.O. BOX 390
Somerville, NJ 08876-0390
(908) 595-1212
Attorneys for Defendants, Wal-Mart Stores, Inc.

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U.S. DISTRICT COURT

2005 APR -1 P 3:32

GRACE AND JOHN ORLANDO,
husband and wife,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Plaintiffs,

SUPERIOR COURT DOCKET NO.
MON L-780-05

vs.

CIVIL ACTION

WAL-MART STORE #2825, ET AL.

JURY TRIAL DEMANDED

Defendant.

WRITTEN NOTICE OF FILING OF NOTICE OF REMOVAL

TO THE CLERK OF MONMOUTH COUNTY:

Pursuant to 28 U.S.C. 1446(d), defendant, Wal-Mart Stores, Inc. files herewith a certified copy of a Notice of Removal, which was filed in the United States District Court for the District of New Jersey on or about April 6, 2005.

RICHARD D. MILLET & ASSOCIATES LLC
Attorneys for Defendant,
Wal-Mart Stores, Inc.

Dated: April 6, 2005

BY: 
RICHARD D. MILLET

CERTIFICATE OF SERVICE

I, Richard D. Millet, Esq., hereby certify that a true and correct copy of the foregoing Notice of Removal was served on Andrew M. Zapcic, Sr.,Esq., of Maybruch & Zapcic, LLC, at 61 Village Court, box 383, Hazlet, NJ 07730, Attorney for Plaintiffs, via U.S. First Class Mail, postage prepaid on April 6, 2005.

RICHARD D. MILLET & ASSOCIATES LLC
Attorneys for Defendants, Wal-Mart Stores,
Inc. .

Dated: April 6, 2005

By: *Richard Millet*
RICHARD D. MILLET

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U.S. POSTAL SERVICE
APR 10 2005
LAW OFFICES OF RICHARD D. MILLET
100 VILLAGE COURT
BOX 383
HAZLET, NJ 07730